

## **REMARKS**

Pursuant to 37 CFR § 1.114, the Applicants submit the following amendment and remarks in addition to the fee set forth in 37 CFR § 1.17(e). The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1 and 6 are amended. Accordingly, claims 1 and 3-8 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 103**

Claims 1, 3, 4, and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gaspar et al. (U.S. Patent 6,961,344) (hereinafter “Gaspar”) in view of Bagchi et al (U.S. Pub 2002/0057713 A1) (hereinafter “Bagchi”).

Claim 1, as amended, recite the elements of “the reference time signal do\_FBOS is assigned to be within a last section in a back-off slot section of the received frame,” and “the back-off slot section to be followed by a priority slot section of the received frame for transmitting data.” Support for the amendment may be found, for example, on page 4, lines 25-27, of the Specification. The amendment adds additional claim language to clarify the claim in light of the Examiner’s statements in the Response to Arguments section of the Final Office Action (see page 9). As discussed below, the cited art fails to teach or suggest these elements.

The Examiner conceded on page 3 of the Office Action that Gaspar fails to disclose extraction of the current state, a data transmission priority, and a reference time signal to determine a final state of a frame as required by claim 1, but the Examiner maintained that Bagchi discloses these missing limitations. However, the Examiner has mischaracterized Bagchi’s EOF sequence in Figure 31 as the “reference time signal do\_FBOS” recited in claim 1. See Bagchi, paragraph [0164], [0169]. Instead, Bagchi clearly discloses that EOF sequence is followed by a trailing transient, a gap, and then finally followed by the first symbol of the BACKOFF20 signal in the first Backoff Signal Slot. See Bagchi, paragraph [0165]. In other words, the first Backoff Signal Slot of Bagchi *follows the EOF sequence* instead of “the reference time signal do\_FBOS is assigned to be *within a last section in a back-off slot section* of the received frame,” (emphasis added) as required by claim 1. Therefore, the Examiner’s assertion that Bagchi’s EOF sequence is equivalent to the “reference time signal do\_FBOS” fails to teach these elements. Consequently, for at least these reasons, Bagchi fails to teach or suggest the

elements of “the reference time signal do\_FBOS is assigned to be within a last section in a back-off slot section of the received frame,” and “the back-off slot section to be followed by a priority slot section of the received frame for transmitting data.” Thus, claim 1 is patentable over Gasper in view of Bagchi. Moreover, with respect to claims 3 and 4, these claims are patentable over Gasper in view of Bagchi because of their dependencies on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3, and 4 are respectfully requested.

In regard to claim 6, this claim, as amended, recites analogous limitations to those in claim 1 as discussed above. Hence, for at least the reasons mentioned in connection with claim 1, amended claim 6 also overcomes the obviousness rejection based on Gasper in view of Bagchi. Accordingly, reconsideration and withdrawal of the rejection of claim 6 are respectfully requested.

In regard to claims 7 and 8, these claims depend from claim 6 and incorporate the limitations thereof. Therefore, for at least the previous reasons in regard to claim 6, these claims overcome the obviousness rejection based on Gasper in view of Bagchi as well. Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 8 are respectfully requested.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gasper in view of Bagchi in view of Pasternak et al. (U.S. Patent 6,760,305 B1) (hereinafter “Pasternak”) and the applicant’s admitted prior art.

In regard to claim 5, this claim depends from independent claim 1 and incorporates the limitations thereof. Therefore, for at least the aforementioned reasons in connection with claim 1, this claim overcomes the obviousness rejection based on Gasper in view of Bagchi. Further, the Examiner has not cited and the Applicants have been unable to discern the portion of Pasternak and applicant’s admitted prior art that discloses the missing elements. Thus, in view of at least these foregoing reasons, Gasper in view of Bagchi, Pasternak, and applicant’s admitted prior art fails to teach or suggest each element of claim 5.

## CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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